IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 19123 of 2004

Between:

M. Sudershan Goud, S/o Chinnarama Goud,
R/0 3-17-19/1, Rajaram Nagar, Bheemgal, Nizamabad District.

..... PETITIONER

AND

1. The Commissioner of Prohibition and Excise, A.P., Hyderabad.
2. The Deputy Commissioner of Prohibition and Excise, Nizamabad Division, Nizamabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the first respondent in not disposing of the Appeal filed under Section 63 (2) of A.P. Excise Act, vide Appeal No. 17922/2004, as being unreasonable, illegal and issue a consequential direction, directing the respondent No.1 to dispose of the Appeal .

Counsel for the Petitioner: MR.D.BHASKAR REDDY

Counsel for the Respondents: GP FOR PROHIBITION &

EXCISE

The Court at the admission stage made the following:

ORDER:

Admittedly, the appeal filed by the petitioner against the order of confiscation of the vehicle in question is pending before the 1st respondent-Commissioner of Prohibition and Excise, A.P., Hyderabad. The grievance of the petitioner is that in spite of the fact that he made an application for interim custody of the vehicle, the same has not been considered by the 1st respondent so far.

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for the respondents.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to dispose of the appeal pending on his file as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Pending the appeal, there shall also be a direction to release the vehicle No.25-T 9293 in favour of the petitioner, subject to the condition that the petitioner furnishes bank guarantee to the value of the vehicle in question to the satisfaction of the 1st respondent and he also furnishes an undertaking that he will not alienate or create any third party interest.

Accordingly, the writ petition is disposed of. No costs.

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14-10-2004

vs

To

1. The Commissioner of Prohibition and Excise, A.P., Hyderabad.
2. The Deputy Commissioner of Prohibition and Excise, Nizamabad Division, Nizamabad.

3. 2 CCs to the GP for Prohibition & Excise, High Court Buildings, Hyderabad.

4. 2CD copies.